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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/695,068	10/28/2003	J. Stewart Young	PC0000767.01	5996
52196 MEDTRONIC	7590 02/28/201	EXAMINER		
	hnson - IP Legal Depa	COTRONEO, STEVEN J		
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			3733	
			MAIL DATE	DELIVERY MODE
			02/28/2011	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Advisory Action Before the Filing of an Appeal Brief

Application No.	Applicant(s)		
10/695,068	YOUNG ET AL.		
Examiner	Art Unit		
STEVEN J. COTRONEO	3733		

-The MAILING DATE of this communication appears on the cover sheet with the correspondence address THE REPLY FILED 11 February 2011 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANGE. 1. The reply was filled after a final rejection, but prior to or on the same day as filing a Notice of Appeal, To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affdavit, or other evidence, which place with application in compliance with 37 CFR 1.13 (1) or (3) a flequest population in condition for allowance; (2) a Notice of Appeal (with appeal feet) in compliance with 37 CFR 1.13 (1) or (3) a flequest population in condition of a Notice of Appeal (with appeal feet) in compliance with 37 CFR 1.13 (1) or (3) and the application in condition of the following time part of the condition of the condition of the following time part of the condition of the con		STEVEN J. COTRONEO	3/33	
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b) ■ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. Examiner Note: (I box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MEPE 708.07(f). Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension relevance benefitied is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.13(a) is calculated from: (1) the expiration date of the chortened statutory period for reply originally set in the final direction; or (2) as set forth in (b) above, if checked. Any reply reviewed by the Office later than three months after the mailing date of the final rejection, even if timely filed may reduce any earned patent term adjustment. See 37 CFR 1.704(b). MOTICE OF APPEAL. In Notice of Appeal was filed on A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal and seen filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a). MENDMENTS In Proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because (a) here are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or (d) here are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or (d) here are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or (d)	 The reply was filed after a final rejection, but prior to or on application, applicant must timely file one of the following rapplication in condition for allowance; (2) a Notice of Appe for Continued Examination (RCE) in compliance with 37 C 	the same day as filing a Notice of a replies: (1) an amendment, affidavieal (with appeal fee) in compliance	Appeal. To avoid abar t, or other evidence, w with 37 CFR 41.31; o	hich places the (3) a Request
no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. Examiner Note: If box 1, is checked. Acke sither box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWC MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f). Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any examed patent term adjustment. See 37 CFR 1.70(b). NOTICE OF APPEAL. If the Notice of Appeal was filed on A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a). As a possible of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a). AMENDMENTS If the proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because (a) they raise new issues that would require further consideration and/or search (see NOTE below); (b) they raise new issues that would require further consideration and/or search (see NOTE below); (c) they raise new issues that would require further consideration and the search (see NOTE below); (b) they raise the issue of new matter (see NOTE below); (c) they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issu	a) The period for reply expiresmonths from the mailing	date of the final rejection.		
have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.7(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed may reduce any earned patent term adjustment. See 37 CFR 1.704(b). NOTICE OF APPEAL 2. The Notice of Appeal was filed on A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal was filed on A brief in compliance with 37 CFR 41.37(a), to avoid dismissal of the appeal. Since of filing the Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a). AMENDMENTS 3. The proposed amendment(s) filed after a final rejection, but prior to the date of filling a brief, will not be entered because (a) They raise the issue of new matter (see NOTE below); (b) They raise the issue of new matter (see NOTE below); (c) They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or (d) They present additional claims without cancelling a corresponding number of finally rejected claims. NOTE: (See 37 CFR 1.116 and 41.33(a)). 4. The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324). 5. Applicant's reply has overcome the following rejection(s):	no event, however, will the statutory period for reply expire la Examiner Note: If box 1 is checked, check either box (a) or (l	ater than SIX MONTHS from the mailing b). ONLY CHECK BOX (b) WHEN THE	g date of the final rejection	on.
filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a). AMENDMENTS 3. The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because (a) They raise new issues that would require further consideration and/or search (see NOTE below); (b) They raise the issue of new matter (see NOTE below); (c) They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or (d) They present additional claims without canceling a corresponding number of finally rejected claims. NOTE: (See 37 CFR 1.16 and 41.33(a)). 4. The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324). 5. Applicant's reply has overcome the following rejection(s): would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s). 7. For purposes of appeal, the proposed amendment(s): a) will not be entered, or b) will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended. The status of the claim(s) is (or will be) as follows: Claim(s) rejected: 1-5,78.10-18.21.31-39.41 and 43. Claim(s) withdrawn from consideration: Claim(s) rejected: 1-5,78.10-18.21.31-39.41 and 43. Claim(s) withdrawn from consideration is Claim(s) represented. See 37 CFR 1.116(e). 9. The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e). 9. The affidavit	have been filed is the date for purposes of determining the period of ext under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the s set forth in (b) above, if checked. Any reply received by the Office later may reduce any earned patent term adjustment. See 37 CFR 1.704(b).	ension and the corresponding amount hortened statutory period for reply origi than three months after the mailing dat	of the fee. The appropria nally set in the final Offic	ate extension fee e action; or (2) as
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